

REFERENCE TITLE: real estate licensees; technical correction

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# HB 2211

Introduced by  
Representative Reagan

AN ACT

AMENDING SECTION 32-2108.01, ARIZONA REVISED STATUTES; RELATING TO REAL ESTATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2108.01, Arizona Revised Statutes, is amended to  
3 read:

4 32-2108.01. Fingerprinting license applicants; requirements;  
5 fees; definition

6 A. Before receiving and holding a license issued pursuant to this  
7 chapter, each license applicant shall submit a full set of fingerprints and  
8 the fees required in section 41-1750 to enable the state real estate  
9 department to conduct a criminal background investigation to determine the  
10 suitability for licensure of the applicant. The state real estate department  
11 shall submit completed applicant fingerprint cards and the fees to the  
12 department of public safety. The department of public safety shall conduct  
13 applicant criminal history records checks pursuant to section 41-1750, Public  
14 Law 92-544 and any other applicable federal laws. The department of public  
15 safety, on behalf of the state real estate department, may exchange license  
16 applicant fingerprint card information with the federal bureau of  
17 investigation for national criminal history records checks.

18 B. The fees the department collects under subsection A of this section  
19 shall be credited pursuant to section 35-148.

20 C. The license applicant is responsible for providing the department  
21 with a readable fingerprint card. The license applicant shall pay any costs  
22 attributable to refingerprinting the license applicant due to unreadable  
23 prints and any fees required for the resubmission of fingerprints.

24 D. The department may issue a license to an original license applicant  
25 before receiving the results of a criminal history records check pursuant to  
26 this section if there is no evidence or reasonable suspicion that the  
27 applicant has a criminal history background. However, the department shall  
28 suspend the license if a fingerprint card is returned as unreadable and an  
29 applicant who was issued a license fails to submit a new fingerprint card  
30 within ten days after being notified by the department.

31 E. This section does not affect the department's authority to  
32 otherwise issue, deny, cancel, terminate, suspend or revoke a license.

33 F. For THE purposes of this section, "license applicant" means:

34 1. Each original real estate, cemetery and membership camping  
35 salesperson and broker applicant pursuant to article 2 of this chapter.

36 2. Each natural person, or for an entity applicant, any person  
37 exercising control of the entity, who applies for an original certificate of  
38 approval to operate a real estate school, or for a renewal certificate, any  
39 natural person or person exercising control who has not previously submitted  
40 a fingerprint card to the department.

41 3. Any natural person, or for an entity applicant, any person  
42 exercising control of the entity, on whom the department has evidence of a  
43 criminal record that has not been previously reviewed or evaluated by the  
44 department, ~~AND~~ AND who applies for a:

45 (a) License renewal pursuant to section 32-2130.

- 1           (b) Public report to:  
2           (i) Sell or lease subdivided lands pursuant to article 4 of this  
3 chapter.  
4           (ii) Sell or lease unsubdivided lands pursuant to article 7 of this  
5 chapter.  
6           (iii) Sell or lease time-share estates pursuant to article 9 of this  
7 chapter.  
8           (iv) Sell membership camping contracts pursuant to article 10 of this  
9 chapter.  
10          (c) Certificate of authority to sell cemetery lots pursuant to article  
11 6 of this chapter.